

The Rutherford Star.

"BE SURE YOU ARE RIGHT AND THEN GO AHEAD."—DAVY CROCKETT.

VOL. V.

RUTHERFORDTON, N. C. SATURDAY, MAY 6, 1871.

NO. 1.

Professional Cards

Dr. J. W. DePASS,
SURGEON DENTIST,
RUTHERFORDTON, N. C.

Continues the practice of his Profession in this, and the surrounding Counties. All work neatly executed, and warranted. Teeth extracted without pain, by the use of Chloroform.

Best references furnished on application. Office at Dr. Duffy's old stand. 25-41.

J. B. CARPENTER,
ATTORNEY AT LAW,
RUTHERFORDTON, N. C.

Collections promptly attended to. 3-17.

R. W. LOGAN,
ATTORNEY AT LAW,
RUTHERFORDTON, N. C.

Will give prompt attention to all business entrusted to his care. Particular attention given to collections in both Superior and Justices' Courts.

J. L. CARSON,
ATTORNEY AT LAW,
RUTHERFORDTON, N. C.

Collections made in any part of the State if possible. feb. 6-11.

M. H. JUSTICE,
Attorney at Law
RUTHERFORDTON, N. C.

Claims collected in all parts of the State. dec. 19 17-11

L. F. CHURCHILL, G. M. WHITESIDE
CHURCHILL & WHITESIDE
ATTORNEYS AND COUNSELLORS
AT LAW,
RUTHERFORDTON, N. C.

Will practice in all the Courts of Western North Carolina, in the Supreme Courts of the State and in the District, Circuit and Supreme Courts of the United States. feb. 6-11

Dr. J. W. HARRIS,
WILL GIVE PROMPT ATTENTION TO ALL PROFESSIONAL CALLS, and hopes to merit a continuance of his long established practice.

Has constantly on hand a fine supply of PURE DRUGS at his office in Rutherfordton. e 2-11 18

W. M. SHIPP,
ATTORNEY AT LAW,
Charlotte, N. C.

Will attend to all business entrusted to his care in the 11th Judicial District. Collections made in all parts of the State. 45-17

H. CABANISS,
ATTORNEY AT LAW,
SHELBY, N. C.

Will practice in the Courts of Rutherford, Cleveland and Gaston.

J. M. JUSTICE,
ATTORNEY AT LAW,
RUTHERFORDTON, N. C.

Will practice in the courts of Polk, Rutherford and Cleveland. Any claims left with him, will be attended to with promptness and dispatch. 10-17

Business Cards.

EXCHANGE HOTEL,
Cor. 3d St. and Penn. Avenue,
Washington, D. C.

THIS House, formerly known as the ST. CHARLES, has been thoroughly renovated, enlarged, and furnished throughout with entirely new furniture, and is now open for the accommodation of the traveling public. Those desiring comfortable city quarters at reasonable rates, are respectfully invited to give the

EXCHANGE,
Convenient to street Cars and all the City Depots, a trial. ALEX. H. JONES,
50-17 17

W. M. WILSON, W. B. BLACK
WILSON & BLACK,
WHOLESALE AND RETAIL DEALERS
In Drugs, Medicines, Paints, Oils, Dye Stuffs, Chemicals, Window Glass, Lamps, Lamp Chimneys, &c.

Corner Trade & College Sts.,
CHARLOTTE, N. C.
Vindicator copy 17 45-17

CHARLOTTE HOTEL,
W. M. MATTHEWS & SON,
PROPRIETORS,
CHARLOTTE, N. C.

TAKE this method of returning their sincere thanks to their friends and the public generally for the very liberal manner in which their House has been patronized under the charge of Matthews & Stogall, and pledge themselves that no pains shall be spared to make their patrons comfortable.

Their table shall be furnished with the very best the market affords.

Attentive and polite servants will always be on hand and every effort will be made to give entire satisfaction.

Their stables are large and commodious, sufficient to accommodate all who may come to see us. Horses and Vehicles always on hand to supply the wants of customers.

VILLAGE HOTEL,
RUTHERFORDTON, N. C.,
JOS. W. GREEN,
PROPRIETOR.

In opening this old and favorably known House, the Proprietor would respectfully solicit a share public patronage, promising to use every endeavor to make his guests comfortable.

His table will be supplied with the best the market affords, and with attentive servants. He intends to try and satisfy the most fastidious. Give him a Call. 27-17

Miscellaneous.

TOWN ORDINANCES.

The Commissioners of the town of Rutherfordton, do enact:

I. That all persons living within the incorporated limits of said town, liable by law to work on public roads, be and they are hereby required to work on the streets and roads in said town, six days in each year, or forfeit and pay to the Mayor \$1 for each day they fail to work: Provided, that in the discretion of the Mayor, such work may be rendered by substitute.

II. That any person or persons who shall engage in any fight, riots, or unlawful assembly, or who shall be guilty of unbecoming conduct, or make use of unbecoming language or shall curse, swear or loud talk to the annoyance of the citizens of said town, shall be fined at the discretion of the Mayor, not to exceed \$25.

III. That if any person shall discharge any fire arm, except in cases of actual necessity, or by permission of the Mayor, within the boundaries described in Ordinance No. 3 of the town Ordinances of 1870, he shall pay a fine of \$1 for each offence.

IV. That any person or persons who shall engage in driving, racing or running horses through the streets at such speed as to endanger life or property, shall be fined at the discretion of the Mayor not to exceed \$10.

V. That any person or persons who shall place, upon any street, or sidewalk, by placing thereon any wood, timber or other thing, and allowing the same to remain more than 24 hours, shall pay a fine of one dollar for each day such obstruction may remain.

VI. That if any person, barkeeper, or other person engaged in the sale of spirituous liquors, shall sell or give away, any spirituous or malt liquors on the Sabbath day, he shall pay a fine of \$5 for each offence.

VII. That any person who shall ride on or hitch any horse, or other animal, upon any sidewalk in said town, or any shade tree on the public square, shall pay for each offence one dollar.

VIII. That any person or persons who shall engage in retailing spirituous liquors within said incorporation, except those who obtain a regular license, shall pay a fine of \$25 for each offence, one-half recovered to go to the town.

IX. That in default of the payment of any fine or penalty, due to violation of the foregoing ordinances, the person so defaulting, may be imprisoned at the discretion of the Mayor, to be released upon payment of the fine and costs.

X. That it be the duty of the Town Marshal to arrest all persons who may be guilty of violating any of the foregoing ordinances, and bring such person or persons before the Mayor, or in his absence, some one of the Commissioners, to be dealt with according to law.

XI. That for the purpose of raising a sufficient revenue, to defray the necessary expenses, and for making the necessary improvements in the town, the following tax be levied and collected on the subjects of taxation. And all persons owning any property liable to taxation, or upon whom a special tax has been levied, are required to list the same with the Mayor on or before the 15th day of February next, in default of which, they shall be liable to a double tax.

On Real or Personal Property, (subject to exemption of two hundred dollars worth of household and kitchen furniture,) 50 cents on the \$100 valuation.

A special tax on the following occupations, to wit:

| |
|--|
| Lawyers, Physicians and Dentists, each \$5.00 |
| City and Manager, 25.00 |
| Clerks and Slight of hand performers 10.00 |
| Magie Lantern, Lectures, 5.00 |
| Itinerant Auctioneers, 5.00 |
| Silversmiths and Jewelers, 2.00 |
| Retailers, 2.00 |
| Retailers of Spirituous Liquors, 25.00 |
| Dry Good Stores, 8.00 |
| Confectioneries and Book Stores, 5.00 |
| Photographic Artists, 5.00 |
| Taylor Shops, 2.00 |
| Blacksmiths or Woodshops, 2.00 |
| Cabinet Shops, 2.00 |
| Printing Offices, 5.00 |
| Insurance Agents, 5.00 |
| Tan Yards, 2.00 |
| Hotel or public boarding houses, 8.00 |
| Private boarding houses, 3.00 |
| Saddlery, Harness & Saddle Shops, 2.00 |
| Shoemakers, 2.00 |
| Every Itinerant dealer in Carriages, Buggies, Wagons, Guns, Tobacco or Tinware not the product or Manufacture of Rutherfordton, 5.00 |

All residents of the Town liable for a special tax, shall only be required to pay a pro rata amount of their special tax, according to the time they may commence or discontinue the business, trade or profession, upon which such tax is levied. Itinerants to pay full tax.

R. W. LOGAN, Mayor.
Adopted Jan. 16th, 1871.

NORTH CAROLINA,
RUTHERFORD COUNTY.

In the Probate Court.

Petition for sale of land to constitute assets. Bessie Brunstarr, adm'r, of

JONATHAN MOONEY, vs. MILTON JARRELL, and wife and others.

Heirs at Law of Jonathan Mooney.

It appearing to the satisfaction of the Court that Milton Jarrell and wife, are non-residents of this State it is ordered that publication be made in the Rutherford Star, for 6 weeks notifying said non-resident defendants to appear before me at my office, in Rutherfordton, and answer or demur to said petition, or it will be heard ex parte as to them.

J. B. CARPENTER, 41 6w Judge of P. Ctate.

BLACKSMITHING.

Mr. Bradley Dalton would inform his old friends and customers, that he is going it alone, and will be glad to have them call at his shop on the branch, South of the Jail, where he is prepared to do all kinds of work, in his line, in a superior and workmanlike manner.

Country produce taken in exchange for work. 19-17

Executors Sale.—In obedience to an order of the Probate Court, I will expose to public sale to the highest bidder at the Court House door in Rutherfordton, on Monday the 27th day of March next, all the evidences of debt belonging to the estate of John Burge, Sr. dec'd.

All persons having claims against said estate will present the same to me or my agent J. W. Green, on or before the 10th day of January, 1872, or this notice will be placed in bar of their recovery. January 6th, 1871.

J. C. BURGE, Ex'r of John Burge, Sr. dec'd. 49-17

THE STAR.

RUTHERFORDTON N. C.

PUBLISHED EVERY SATURDAY.

W. W. SHARPE & CO.,
PUBLISHERS' AGENTS
TRIBUNE BUILDINGS, NEW YORK.

Are authorized to contract for Advertising in our paper.

SPEECH OF

Hon. F. T. Frelinghuysen, of New Jersey.

In the Senate of the United States, April 6, 1871, pending the Consideration of the "Act to Enforce the 14th Amendment of the Constitution," on the Power of Congress to Legislate for the Prevention of Outrages against Citizens of the United States.

After vindicating the Republican party from the charge that they are agitating this subject of violence at the South for party purposes, and answering the apology urged for those engaged in violence that they are making war on governments which the Republican party unwisely and unjustly inaugurated, he proceeded as follows:

My purpose now is, as briefly as possible, to consider what constitutional power the General Government possesses to enforce the privileges and immunities of citizens of the United States all over this Union. But first let us consider whether there is in the condition of the South occasion that we should legislate at this unusual session.

Crime occurs everywhere. It would exist to an unusual degree among a people just emerging from a war against the most humane and beneficent Government of the world. My attention has not been so much directed to the crimes committed as to ascertaining what degree of reverence is felt in those communities for the majesty of the law. Do its violations arouse that indignation which leads to its vindication?

But we are relieved from the trouble of investigation on this subject because the Constitution imposes the duty on the President "from time to time to give to Congress information of the state of the Union, and to recommend to their consideration such measures as he shall judge necessary and expedient." He has told us that a part of the Union is in a state of lawlessness, and has asked legislation giving him temporarily greater power to suppress the violence; and the question is whether, under such a state of things, the nation has the requisite constitutional power to meet the exigency.

It is put beyond question, sir, that the citizen of the United States is in some part of the land subjected to indignities, violence and wrongs, and that without redress, which would fire the most stolid heart in the land were they perpetrated on our citizens in England or in Spain. Yes, in such a case the whole power of the land would be marshaled to vindicate the nation's honor. Let me say that if this nation has the constitutional power to protect the privileges and immunities of an American citizen in the remotest corner of the earth, it has the constitutional power to give him that protection at home. The people will demand that that power be exercised. They, remembering the history of the last ten years—that hundreds of thousands of brave men have died; that the land has been furrowed with graves; that we have entailed on coming generations

a heavy debt just for the purpose of maintaining all over this land the rights of American citizenship—they will never, never submit that those rights shall be trampled upon with impunity!

Mr. President, on the termination of the recent war this nation extended to those who had rebelled against it a clemency that has no parallel in history. There was little or no confiscation of property; no punishment; the States were not reduced to Territories. No! the Government assured the vanquished in their estates, sent them food to live upon, seed to plant, and relieved them from taxation. I remember myself advocating here a bill which at once relieved them from \$25,000,000 annually.

But, sir, in all this leniency the nation did not neglect to gar-e up four grand principles, for the maintenance of which, if needs be, this land will again put on its martial dress and repeat its heroic history.

The first of these is, that the United States of America is not a voluntary confederation of petty, tribal sovereignties, but is a law, and that its law, in the language of the sixth article of the Constitution, is the supreme law of the land, North, South, East, and West, the constitution and laws of any State to the contrary notwithstanding. This is no change in what was before the war the true theory of our Government, but it was then a mere theory. The South, and large numbers at the North, fascinated by the illusion that their little localities were kingdoms and their leading men chieftains, ignored our nationality; and the baneful effects of the error were manifested, not only in our political history, but they affected the social and business interests of the people. Now we are still a nation in theory, but we are so also in every fact, and the citizen everywhere will claim the benefit of it.

The second principle secured is this: that this is a Republic of freemen wherein slavery in any form will not be tolerated, and that there shall be no involuntary servitude except as a punishment for adjudged crime. This provision is not a matter of nomenclature. It was not exacted merely for the purpose of washing from the laws the disgraceful word of "slavery" while the thing remained. It did not mean that one thrall should be substituted for another. It meant that in this land every man should be possessed or the chartered rights of a freeman which all the world should respect. And if this principle, garnered on many bloody fields, is not respected in substance and in spirit, the people of this land will search diligently in their armory until they find some constitutional power to enforce it. Let those who deplore the progress of the Republican party and who cry out that our measures are unconstitutional remember that this was a most important change in the fundamental law of our country. Up to that time a State could make a man a slave. All of one race, when born, opened their eyes to thralldom, spent their lives in unrequited toil, and died ignorant and degraded with none to pity.

The third principle gathered from the war is that the ballot shall be possessed and enjoyed without distinction of race or color, as provided in the 15th amendment—a right which elevates the citizen, secures him respect and influence, gives him protection from abuse, and prevents outbreaks of violence under supposed public wrong.

While the States can still, subject to the restrictions of the

Constitution, fix to some degree the qualification of voters, their basis of representation is reduced in the proportion that the number of male inhabitants over 21 years of age excluded bears to the whole number of male inhabitants over 21. This is another change in our fundamental law.

The other priceless capture of the war is that charter of "American citizenship," with its guarantee of fundamental rights, contained in the fourteenth amendment. Primarily, it declares that every person born or naturalized in the United States and subject to its jurisdiction is a citizen of the United States; and, secondarily, that they are all citizens of the State wherein they reside; that "no State shall make or enforce any law" abridging the privileges or immunities of citizens of the United States; and that "no State shall deny to any person the equal protection of the laws."

This amendment effects a most important change in the fundamental law of our country. The only danger is that, following the words of this amendment, the change may be carried too far for the true interest of the country.

We are told, however, that it only has the effect to secure to the colored race the rights which the white citizens had secured to them; that it adds nothing to the Constitution, so far as the rights of citizenship in general are concerned. That position I controvert, and claim that much is added.

And first, it asserts a citizenship of the United States independent of State citizenship. I am aware that before this amendment, in speaking of the qualification of President, Senators and Representatives, the Constitution provided that they must be citizens of the United States. But what did that mean? Bates, in his treatise on citizenship, declares that he "finds no definition, no authoritative establishment of the meaning of the phrase 'citizen of the United States,' neither by a course of judicial decisions in our courts, nor by the continued and consentaneous action of the different branches of our political government." What did that term mean? An unnaturalized foreigner was not a citizen of the United States, and one naturalized was. That much is certain. But what further was certain? It had been held in many cases that the State might determine the status of persons, the qualification of citizenship within its jurisdiction, except so far as restrained by the Constitution of the United States, and there was no restraint relating to citizenship except as to naturalization. This will be found asserted in the cases of Groves vs. Slaughter, (15 Peters, 419), and Moore vs. Illinois, (14 Howard, 13.)

If a State declared that one native born, residing in the State, for any cause, not only on account of blood or color, was not a citizen of that State, was he a citizen of the United States? How could he be, except in the case of naturalization, a citizen, and yet not a citizen of any State, district or Territory within the United States. How could he claim the benefit of the second section of the fourth article of the Constitution, which provides that citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States?

It was, unquestionably, the right of a sovereign State to determine citizenship, and that authority determined against the citizenship of its inhabitant, and he had that character

nowhere. The Supreme Court went so far as to declare, in the case of Scott vs. Sanford, that one might have all the rights and privileges of a citizen of another State. A mulatto man might be a citizen of Massachusetts but he was not a citizen of Virginia; and we know that when citizens of Massachusetts went to South Carolina they were imprisoned, and when Judge Hoar went to argue their cause, he was mobbed. We know that the Supreme Court of the United States declared that four millions of native-born persons who paid taxes and were represented, were not citizens. We know that the extreme State-rights doctrine denied all national citizenship, that this doctrine, modified and accepted, made United States citizenship dependent on State citizenship. Now comes the 14th amendment, and declares that all persons, no matter whether they are citizens of States or not, born or naturalized in the United States, shall be citizens of the United States. That is what this nation says, let the States say what they will; and it further adds that they shall be citizens of the State in which they reside.

This amendment further asserts, in a manner never before asserted, that the citizens of the United States, as such, has privileges and immunities which the General Government will enforce. Prior to this amendment there were three provisions of the Constitution which invested the care of the General Government in behalf of the States and their citizens. Article two, section three, provided that "the President shall take care that the laws be faithfully executed." Under this provision Congress has an undoubted right to confer on the President the requisite power to enforce the laws of the United States.

Again, the fourth article, section four, declares that the United States guarantees to each of the States a republican form of government, protects them against invasion, and, when called upon by the Governor or the Legislature, protects them from domestic violence. This creates an obligation on the Government to give relief to the State rather than a right to interfere. The other provision is article four, section two, which declares that the citizens of each State are entitled to the privileges and immunities of citizens of the several States. This, whatever may have been the intention of the framers of the Constitution, has been by construction held to mean only that there shall be no discrimination against citizens of other States as to their fundamental rights. (Conner vs. Elliott, 18 Howard, 593.)

None of these provisions affirmatively assert that the citizenship of the United States has incident to its privileges and immunities which the General Government will enforce. Neither does the civil rights bill assert the right of citizens of the United States to any privileges. It was passed in April, 1866, and it secures to colored men the same rights as are secured to white men, without saying what rights either are possessed of. The 14th amendment goes much further than merely establishing "equality" between whites and blacks. It asserts United States citizenship and defines some of its privileges and immunities.

Let us not forget that before and at the time of the adoption of the Federal Constitution there was no such thing as citizenship of the United States. The Confederation was a mere league. After the adoption of

the Constitution, except in the case of naturalization, one became a citizen of the United States by virtue of being a citizen of a State. State citizenship was primary and that of the United States was derivative and consequential. Since the fourteenth amendment the order is changed. Now citizenship of the United States is primary, undervived, and independent of State citizenship. A people who have been afflicted by the doctrine of States rights, and have seen some of the States of this Union, as if they were little principalities surrounded by walls of brass, wrap themselves up in their fancied grandeur and exclude one-half of the people of the country from their borders by proscribing free speech, free thought, and free action, meant something when they made that amendment. They had enough of that thing, and decreed that—

"All persons born or naturalized in the United States shall be citizens of the United States."

That includes everybody; and to-day forty millions may turn to the dome of the Capitol and declare that they are citizens of this Union, that here is their allegiance, that they are under the panoply of laws of the Union, that they are shielded by theegis of the nation. The day will soon come when the declaration, "I am an American citizen," will be a phrase as honored all over the world as was the "Crispian" of the ancients.

The day must never come again in this republic when devotion to our nationality in some sections of the country only secured a more speedy death or a more ignominious punishment.

And this is not all. The 40 millions are not only by this amendment citizens of the United States, but are by virtue of it, and in despite of the laws or constitution of any State, also citizens of the State in which they reside. National and State citizenship now both depend on the Constitution of the United States; formerly both were dependent on the States.

The journeyman cobbler of New England may wrap his awl and wax and last in his leather apron and stand in Charleston, or New Orleans, or Savannah, and say, "Here I will settle in despite of the constitution and of the laws of these States; and I have a right to invoke the power of the nation here to protect me." The mason or the carpenter of New Jersey may put his chisels or his trowels in his carpet-bag, and go to any part of the land, and say, "Here I will stay in despite of the holy horror of those who cry out, 'Adventurer!' 'Seal-wag!' 'Carpet-bagger!' That is the law of the situation, and that is to be its working in this country. The nation has had enough of this perverted doctrine of State rights, with its mighty assumptions; and if we do not now put it down we are not a free people. I take it that the people of the North and East and West have at least as good a right to the protection of the laws of this Government, which they bled to preserve, as those who sought its destruction.

What are the privileges and immunities of American citizenship? We shall find them, sir, in that time-honored State paper which is bound up with our laws and which is part of American common law, which is the corner stone of the world's temple of liberty, and which

(Concluded on Fourth Page.)

THE STAR.

J. B. CARPENTER, JR.,
CARPENTER & LOGAN
EDITORS AND PROPRIETORS

RUTHERFORD, N. J.

SATURDAY, MAY 6, 1871.

The Shelby Ku-Klux on Judge Logan.

We notice published in several of the Ku-Klux papers of the State, the proceedings of a meeting of the citizens of Cleveland County, purporting to have been held on Tuesday, April 11th, 1871.

We would not allude to the above proceedings, only to show to the people the utter disregard of the Ku-Klux Democracy for anything akin to truth or honesty. The proceedings of the said meeting, as published, gives the lie to the whole affair on its very face; for instance in the proceedings the following:

"On motion, Capt. Plato Durham was requested to explain the object of the meeting. He stated that the meeting had been called to vindicate the character of the people of Cleveland County who had been slandered by his Honor G. W. Logan, by his publishing to the world that it was unsafe for his Honor to appear in this town and hold the Superior Court."

Now, at the time this meeting purports to have been held, as Capt. Durham well knows, Judge Logan had not "published to the world that it was unsafe for his Honor" to go to Shelby to hold Court, nor has he ever made any such publication to the world. As to the preamble and resolutions adopted by said meeting, they are only another sample of the numerous slanders that the Ku-Klux are daily publishing against Judge L. and all other honest Republicans, for political effect, and when it is remembered that the "short-horned Bull," and Harvey Barlow were the prime movers in the attempted slanders, the honest people will pay no attention to it, for their own character will not justify any slander they may make against a "sheep killing dog," let alone an honest man. Our own opinion is, that it is altogether a clandestine attack upon Judge Logan, and that the resolutions were written after the time said meeting purports to have been held, and that they were never submitted to the meeting at all.

BLACK TONGUE!!!—BLACK VOMIT!!!

The tongue is the great indication of disease. A Physician was perhaps never known to pretend to understand a disease, its changes and bearings upon the system without a careful and thorough examination of the tongue, and when the tongue fails to improve and continues to get worse and worse, its cover, deeper and deeper, until it becomes black, it is well settled by all medical men that death must ensue, especially if the patient is attacked with what is known as the black vomit. There was never anything more applicable than the foregoing to the present Democratic, Conservative Ku-Klux, Jo. Turner, party, and his willing and miserable adherents, such as David Barnes, of the Ledger, Louis Haynes, of the Old North State, D. H. Hill, of the Southern Home, and id omne genus. Like the chicken, commencing with the pip on the tongue, the disease has extended until their tongues are as black as tar, and their vomit blacker than pitch.

Love of country they have none, constitution and laws they set at defiance, and they are perfect strangers to truth, virtue or honesty.

Men are known by the company they keep; so it is with those who take and read their papers, and those who have respect for their country are watching them with an eagle's eye. They are all, and every one spotted, and they will receive their rewards in due time.

"The Government must and shall be preserved," so said Andrew Jackson, and we have still an abiding confidence in U. S. Grant that he is equal to the occasion.

More Ku Klux Slander.

We have noticed in the Charlotte Democrat, a most scurrilous and libelous letter, written by one d. schenck, of Lincolnton, N. C., to Senator Frank Blair, against Judge Logan. We are sorry that the circumstances connected with the publication of this letter are such as to require any notice of it at our hands, for the simple reason that we look upon schenck, individually, as too depraved, corrupt and void of principle or common decency, to be noticed by any person having self-respect, but, his letter having been written to Mr. Blair, and published in the Washington Patriot, makes it our duty to refer to it, and characterize the letter and its author in their true light. In the first place we will state, that we have no idea that schenck intended the above described letter for publication; on the other hand he intended to sneakily, underhandedly, and doggishly slander Judge Logan, thinking, no doubt, that Mr. Blair would make use of it in the same mean, sneaking manner that he intended, by commenting upon the letter as written by a prominent member of the Bar from Judge Logan's District, and not give the name, but we must give Mr. Blair credit for being too honest or too sharp to be duped by schenck in that kind of a game, so he hands the letter to the Washington Patriot to publish for what it is worth, and no doubt to the great disappointment of schenck. Now we do not propose to refer to any particular part of this slanderous letter, this would be useless, for one sentence will convey the intent and meaning of all that schenck has said. We denounce this letter as a base, malicious and willful slander of Judge Logan, written without any respect for the truth or facts in the case, and composed wholly of malicious and willful lies, and we denounce the author as an unmitigated liar, a patron, and a coward.

This is all we have to say on this subject, at present. What action Judge Logan will take in the premises we do not know, but we suppose that at the proper time he will take such action as he may deem proper and necessary.

What Political Prejudice Will Do.

We have been considerably amused to see how the Conservatives have shown their political prejudice, in relation to the two horrible crimes recently committed in this county. The outrage upon Aaron Biggerstaff, by the Ku Klux, and the murder of the Weston family. Mrs. Norville, who made the affidavit in relation to the outrage on her father, Mr. Aaron Biggerstaff, is a very respectable lady, has a character that is unimpeached, and because she implicates a good many Conservatives as being in the Ku Klux raid upon her father, they say she has sworn a lie; that she is not to be believed at all.

Polly Steadman, the woman that made the affidavit against the two Adams and Barnard, accusing them of murdering Weston and his three children, is a woman of the lowest grade of character, has been living in adultery with Weston for several years, and yet they say that "she has sworn the truth, the whole truth, and NOTHING BUT THE TRUTH!" Solve the problem, reader: the parties accused of outraging Biggerstaff are Democrats; the Adams and Barnard are Republicans. The latter parties are not excused and defended by the Republicans, the former are by the Democrats. "Look at the picture."

A WORD OF WARNING.—A barber in Chicago has discovered that it is next to an impossibility to shave a man satisfactorily while looking out of the window at the feet of girls passing on the sidewalk above. In determining the number of the shoes a passing female wore, the barber cut off the southeast ear of a customer, and split his nose. The customer was sensitive as to his ears, and so forth, and knocked the barber down with a chair. Should this meet the eye of any New York barber who has an eye to outside business, we hope he will take warning in time to save being murdered by some sensitive customer.

To our Patrons.

With this number of our paper we commence the Fifth Volume, and we have stricken several names off of our subscription list, but we have only done so in self-defence. We cannot afford to send our paper to subscribers and get nothing for it, and we are therefore compelled to resort to this course. We expect to continue to take every man's name off of our list, that will not pay for his paper, and in doing this we may have to take off the names of some good men, who have intended to pay us, but have neglected to do so; but we will state that we hope all such men will not be offended, but come up promptly and pay up, and renew their subscription.

We call upon our friends to get us as many new subscribers as they can, that will pay, but don't send any name that won't pay, for in sending our paper to such men, we both lose our paper and confidence in the honesty of the man, who will take a paper and not pay for it.

Wanted to know—"Why so much raiding and firing of pistols is permitted in and around the village? Perhaps those gentlemen who spend their nights away from home can explain. Is it for bluster or what? Peaceable citizens don't like it."—Vindicator, 1st May.

We know nothing of who it is that is firing about so much, but suppose that it is signals from K. K.'s in town, notifying their brethren in the country that it will not do to come into town, as the "Militia" is out. The gentlemen who spend their nights from home would inform the Vindicator that they are out for "what," as they consider that these are no times for bluster; and if "peaceable citizens" don't like it, let said peaceable citizens advise their Ku Klux brothers to stop their devilment, and they will remain at home in the future. Will the Vindicator advise them?

CORRESPONDENCE.

MARION, N. C.,
3d May, 1871.

Messrs. Editors:

We notice in your last paper that the honorable title of "Colonel" is prefixed to the name of Jos. L. Carson. Will you be so kind as to inform us when and how he got that title? We have heard that he once belonged to the C. S. A. Artillery, but our recollection is that he left that service, as the roar of cannons jarred him so much that he could not stand it; we therefore suppose he did not get the title there. We have also heard that he once made a speech in your place, in which he said in substance that, "He wanted the yankees who crossed Mason and Dixon's line to be killed, and buried on their all-fours, and upon their backs there should be written with a fire coal, 'No resurrection for the damned.'" Was that when he got the brevet title of "Colonel"? Please answer, and oblige,

SONEY.
Soney is informed that we are in the dark as to how Esqr. Carson got the title of "Colonel."

Now that the height of the blowing about the fraudulent election in the Territory of Columbia is over, we offer a commentary on the conduct of those who in all instances of this kind so readily cry "stop their" to conceal, no doubt, intended future movements of their own. The day after the election, this scene was witnessed in Washington city:

Mon. Richard T. Merrick the defeated candidate in company with B. G. Lovjoy, Esq., a defeated candidate for the House of Delegates, called on Governor Cooke at the Executive Chamber, corner of seventeenth street and Pennsylvania avenue, and informed him that he accepted his defeat as gracefully as possible, and would do all in his power to cooperate with the party in anything that would benefit the people of this District. He then asked the Governor that he extend his (Mr. Merrick's) congratulations to Governor Chipman, (he not being present) on his success; to which General Cooke replied that he would do so with pleasure.

Colonel Magruder, of the Board of public Works, the editors of the Republican and Chronicle, and several other gentlemen were present at the interview. While partaking of a lunch there was a

general interchange of views in relation to city affairs, during which Colonel Magruder remarked that, so far as he was concerned in the management of affairs, in all improvements to be made he should consult the tax-payers without regard to party, but in dispensing patronage, that must go to Republicans.

And next day this:
"Gen. N. P. Chipman, in company with Major Timothy Luby, called on R. T. Merrick, Esq. at his office on F street, this morning, to return Mr. Merrick's visit of yesterday. The visitors were very pleasantly received, and Gen. Chipman, after a cordial hand-shaking, said that he had passed through the campaign, hard fought as it was, without entertaining for a moment, the slightest personal feeling other than that of friendliness, and to-day he could say in candor, he felt the same spirit. Mr. Merrick replied that he was glad to meet his opponent, even though it was at his own expense, and he reiterated the sentiments expressed by him on the occasion of his visit yesterday to Governor Cooke, accompanying them with the statement that they were no idle promise, but he spoke from the bottom of his heart when he said that he would pledge the democracy of the district to do all in their power in the way of cooperating with the republican party in any and all measures looking to the advancement of the interests of the District."

And so Mr. Merrick the defeated candidate of the Democracy "eats and drinks" with these fraudulent voting Republicans, and "passes and repasses" with them; and we have only to remark of him, that, if the election was carried against him with the unblushing and open fraud charged, such conduct as this on his part, is to say the least, most extraordinary, and if he is thus capable of compromising, conniving, compounding and feigning with a set of political knaves and party swindlers, he deserves to have been beaten. But we presume this election was carried as elections generally are, and that all this cry of "fraud" and "trickery" originated with the unfair and untruthful partisan press, for party effect. This and nothing more.—Raleigh Telegram. (Conservative.)

Disastrous Storm in Tennessee.
(From the Maryville Republic.)
A destructive storm swept over the Sweetwater Valley, Monroe county, between the hours of 9 and 10 o'clock on Wednesday night, the 19th inst., which resulted in great damage. The belt the storm traveled was from one-fourth to three-fourths of a mile, and for that space, eight miles, scarcely a fence or house standing. The following is the list of damages:

Henry Croskey's place was the first struck by the storm. A large new hay shed and barn were unroofed, and a fine new threshing machine worth \$700, was badly injured.

J. M. Barton: upper story of house carried away; chimney blown down, and all outbuildings and fences destroyed. The family uninjured, but their escape was a perfect miracle. Two of the boys found themselves landed some distance from the house.

Mr. Mosier: house torn down, the family uninjured. A fence rail was blown against a horse, striking him. An old mill, two stories high, was blown off to the rock foundation.

Lewis Johnson: large brick house entirely destroyed, and a large wheat garner and barn demolished and fencing blown away. Out of a thrifty orchard of eight hundred apple trees not one was left.

Mrs. John Simpson: two-story house, top story blown away and a wing of the house torn away. Mrs. S. was injured by tramping upon a sharp nail. Another house on the same farm, occupied by Wm. Thompson, was blown down to the first story.

Mr. John Prater: house carried off down to the floor. Some of the heavy timbers fell on his wife and daughter and severely injured both of them. They lost everything in their house, and their bedding were found half a mile off, and a bureau and part of a reaper was carried over three-quarters of a mile from the house. His barn also was blown down.

The Cumberland Presbyterian church, a large brick building 32 x 45, was unroofed and blown down. Some of the bricks were carried 200 yards.

Wm. Fowler: top of chimney blown off and hay shed and large barn blown down, and some of the shed timbers ten inches square and 18 feet long, were carried one-fourth of a mile off. His frame mill, three stories high, was blown off down to the first story, which was rock.

John Margrave had the roof of his house blown off. Abijah Fowler and Robert Kittrell both lost their barns and outbuildings. The Baptist Church, a frame building, was entirely destroyed.

SPECIAL NOTICES.

An Enemy to Health and Happiness.

Dyspepsia not only destroys health, but it banishes happiness from the family. A Dyspeptic is not only unhappy himself, but he makes all around him unhappy. Dr. TUTT'S VEGETABLE LIVER PILLS is a certain remedy for it.

Don't suffer your hair to fall off when a bottle or two of Nature's Hair Restorative will check it. Splendidly perfumed and as clear as crystal. All wide awake druggists sell it. See advertisement.

Heart in Danger.

When disease has undermined the health, and the physical system has become prostrated, a stimulant that will not only strengthen, but remove the cause, should be immediately resorted to. Mental distress is also a fruitful source of the breaking down of the constitution, and the ravages of this enemy to health are truly alarming. For all such malady Hostetter's Stomach Bitters have been found unpassing. By acting directly upon the digestive organs, they remove the heavy, disagreeable feeling after eating, so often complained of by persons of a delicate temperament. As soon as digestion is restored, the patient finds his strength increasing, and his general health improved.

Thousands of persons certify that it may be relied on in all cases of weakness or nervous debility attendant upon sedentary habits. The general use of Bitters is so disagreeable to the taste that they are objectionable to a weak stomach. This is not the case with Hostetter's Bitters, which will be found mild and extremely pleasant. Balmic plants, barks and roots contribute their restorative juices to render it soothing and strengthening. Its basis is the only pure stimulant which has ever been produced, containing no *fast* oil, or any other deleterious element. The most careful and skillful chemists have analyzed the Bitters, and pronounce them harmless. This is scientific testimony of the hundreds of thousands who have experienced the preventive and curative effects of the Great Vegetable Tonic and Alterative of modern times. It is still more conclusive. In Fever and Ague, Dyspepsia, Bileousness, Nervous Complaints, Chronic Complaints and general debility it is as nearly infallible as anything in this fallible world can be.

TO CONSUMPTIVES.

The advertiser, having been permanently cured of that dread disease, Consumption, by a simple remedy, is anxious to make known to his fellow sufferers the means of cure. To all who desire it, he will send a copy of the prescription used (free of charge), with the directions for preparing and using the same, which they will find a sure cure for Consumption, Asthma, Bronchitis, &c.

Fees wishing the prescription will please address
Rev. EDWARD A. WILSON,
165 South Second Street, Williamsburgh, N. Y.

ERRORS OF YOUTH.

A Gentleman who suffered for years from Nervous Debility, Premature Decay, and all the effects of youthful indiscretion, will, for the sake of suffering humanity, send free to all who need it the receipt and direction for making the simple remedy by which he was cured. Sufferers wishing to profit by the advertiser's experience can do so by addressing, in perfect confidence,
JOHN B. OGDEN,
No. 42 Cedar Street, New York.

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Passenger Trains over this Road run as follows:

Leave Charlotte, 8:30 a. m.
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Leave Cherryville, 1 p. m.
Arrive at Charlotte, 5:30 p. m.

NORTH CAROLINA RAILROAD.

Passenger Trains over this Road arrive at, and leave Charlotte, as follows:

Leave, going east, at 8:00 p. m.
Arrive, coming west, at 7:30 p. m.
Leave, going east, at 5:35 a. m.
Arrive, coming west, at 7:55 p. m.

WESTERN NORTH CAROLINA RAILROAD.

Passenger Trains on this Road run as follows:

Leave Salisbury, at 8:15 a. m.
Arrive at Marion, 3:41 p. m.
Leave Marion, at 7:40 a. m.
Arrive at Salisbury, 3:17 p. m.

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Passenger Trains over this Road arrive at, and leave Charlotte, as follows:

Arrive at Charlotte, 7:30 p. m.
Leave Charlotte at 8:50 a. m.
Arrive at Charlotte, 5:30 p. m.
Leave Charlotte at 8:10 p. m.

NEW ADVERTISEMENTS.

NORTH CAROLINA.

RUTHERFORD COUNTY.

IN THE PROBATE COURT.

J. H. Adair & wife

vs.

M. Koon, and D. D. Suit for distributive share of said estate.

Geo. Koon, dec'd, and others.

IT appearing to the satisfaction of the Court, that the following persons are heirs at Law, and distributees of Geo. Koon, deceased, and are non-residents of the State of North Carolina, To-wit: John Koon, Talitha Koon, and J. W. Koon. It is, therefore, to notify the said non-resident defendants to appear before me, at my office, on the eighteenth day of April, next, when and where an account will be taken in this case; and at which time and place said non-resident defendants will appear and plead, answer or demur, to plaintiff's petition, or the case will be heard *ex parte* as to them. Given under my hand, 4th January, 1871.

J. B. CARPENTER, S. C. C. and Judge of Probate.

ARBOR VITUE.

TEN MILLION SEEDLINGS!

FIFTY DOLLARS will buy 1000 of the smallest. Larger sizes at corresponding prices. Free price list of 25 varieties of Evergreens and forest trees. 137 Descriptive Catalogue 10 cents.

WHITE CUCUMBER.

We believe this to be the best Cucumber in the world, and that we have the only seed. 25 cents a package by mail.

PINKNEY & LAWRENCE,
41-43 S. Sturgeon Bay, Door Co., Wis.

WALTHAM WATCHES.

The extensive use of these watches for the last fifteen years by Railway Conductors, Engineers and Expressmen, the most exacting of watch-wearers, has thoroughly demonstrated the strength, steadiness, durability and accuracy of the Waltham Watch. To satisfy that class in all these respects, is to decide the question as to the real value of these timekeepers.

More than 500,000 of these watches are now speaking for themselves in the pockets of the people—a proof and a guarantee of their superiority over all others.

The superior organization and great extent of the Company's Works at Waltham, enables them to produce watches at a price which renders competition futile, and those who buy any other watch merely pay from 25 to 50 per cent. more for their watches than is necessary.

These timepieces combine every improvement that a long experience has proved of real practical use. Having had the refusal of nearly every invention in watch-making originating in this country or in Europe, only those were finally adopted which severe testing by the most skillful artisans in our works, and long use on the part of the public, demonstrated to be essential to correct and enduring time-keeping.

Among the many improvements we would particularly note:
The invention and use of a centre-pinion of peculiar construction, to prevent damage to the train by the breakage of main-spings, is original with the American Watch Company, who, having had the refusal of all other contrivances, adopted Fogg's patent pinion as being the best and fullest.

Hardened and tempered hair-springs, now universally admitted by Watchmakers to be the best, are used in all grades of Waltham Watches.

All Waltham Watches have dust-proof caps, protecting the movement from dust, and lessening the necessity of the frequent cleaning necessary in other watches.

Our new patent stem-winder, or keyless watch is already a decided success, and a great improvement on any stem-winding watch in the American market, and by far the cheapest watch of its quality now offered to the public. To those living in portions of the United States where watchmakers do not abound, watches with the above mentioned improvements which tend to ensure accuracy, cleanliness, durability and convenience, must prove invaluable.

The trademarks of the various styles made by the Company are as follows:

American Watch Co., Waltham, Mass.
Am'n Water Co., Waltham, Mass.
American Watch Co., Crescent St., Waltham, Mass.

Appleton, Tracy & Co., Waltham, Mass.
American Watch Co., Adams St., Waltham, Mass.

Waltham Watch Co., Waltham, Mass.
P. S. Bartlett, Waltham, Mass.
Wm. Kilby, Waltham, Mass.
Home Watch Co., Boston, Mass.

Examine the spelling of these names carefully before buying. Any variation even of a single letter, indicates a counterfeit. For sale by all leading jewelers. No watches retailed by the Company.

An illustrated history of watch-making, containing much useful information to watch-wearers sent on address on application.

ROBBINS & APPLETON,
Gen'l Agents for American Watch Co.,
182 Broadway, New York.

Hand and Machine Sewing.

J. & P. COATS' BEST

6-CORD IN ALL NUMBERS.

From No. 8 to No. 100 Inclusive.

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All Dealers in Dry Goods and Notions.

WASHINGTON, Feb. 16, 1871.

Soldiers of 1812: The bill to pension soldiers of the war of 1812 having become a law, I shall be ready to forward forms of application as soon as the necessary instructions are issued by the Department. Address for particulars.

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No. 412 Seventh Street.

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Physician; 90 pages; sent by mail free. Teaches how to cure diseases of the person, skin, hair, eyes, complexion. Write to 714 Broadway, New York.

A Great Offer.

HORACE WATERS, 481 Broadway, N. Y., will dispose of One Hundred Pianos, Melodions and Organs of six first-class makers, including Waters', at extremely low prices, for cash, during this month, or will take a part cash and balance in monthly or quarterly installments.

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19th Year. 600 Acres. 15 Greenhouses. Largest Assortment—All sizes. Best Stock! Low Prices!—Would you know what, When, How to Plant? Fruit, Shade, Evergreen Trees, Root Grafts, Seedlings, Orange Plants, Apple Seed, Early Rose Potatoes, Shrubs, Roses, Greenhouse and Garden Plants, &c. &c. Flower and Vegetable Seeds! Finest, Best Collection—Sorted and Quality. Send 10 cents for new, illustrated, Descriptive Catalogue—90 pages. Send stamp, each, for Catalogue of Seeds, with plain directions—64 pages. Bedding and Garden Plants—32 pages, and Wholesale Price List—24 pages. Address F. K. FUGENIX, Bloomington, Illinois.

A. B. Farquhar,

Proprietor of Pennsylvania Agricultural Works.

Manufacturer of Improved Polished Steel DICKSON SWEEPS.

Solid Steel SWEEPS, and SCRAPERS. Steel Plows, Shovel Plow Blades, Cultivators, Horse Hoes, Harrows, Horse-Powers, Threshing Machines, &c., &c.

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MEN, WOMEN, BOYS AND GIRLS who engage in our new business make from \$5 to \$10 per day in their own localities. Full particulars and instructions sent free by mail. Those in need of permanent, profitable work, should address at once,

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\$39 Salary per week, and expenses, to sell our new and useful discoveries.

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Employment Business for All.

Best industrial 8 page Newspaper. 50 cts. per year. Send stamp for copy. PATENT STAR, Boston, Mass.

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\$3.00 per pound. Discount to Druggists. Sample package (1-4 lb.) sent by mail upon receipt of 50 cents. Address GERMAN MEDICINE CO., Cheshire, Ohio.

USE THE "VEGETABLE" 1870

The old standard remedy for Coughs, Colds, Consumption. "Nothing better." CUTLER BROS. & Co., Boston.

TO THE WORKING CLASS.—We are

now prepared to furnish all classes with constant employment at home, the whole of the time or for the spare moments. Business new, light, and profitable. Persons of either sex easily earn from 50c to \$3 per evening, and a proportional sum by devoting their whole time to the business. Boys and girls earn nearly as much as men. Tell all who see this notice my sent their address, and test the business, we make the unparalleled offer: To such as are not well satisfied, we will send \$1 to pay for the trouble of writing. Full particulars, a valuable sample which will do to commence work on, and a copy of THE PEOPLE'S LITERARY COMPANION—one of the largest and best family newspapers ever published—sent free by mail. Reader, if you want permanent, profitable work, address

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AVOID QUACKS.

A victim of early indiscretion, causing nervous debility, premature decay, &c., having tried in vain every other remedy, has a simple means of self-cure, which he will send free to his fellow-sufferers. Address

J. B. TUTTLE,
78 Nassau St., New York.

Great Medical Book

And French Secrets for Ladies and Gents. Sent free for 2 stamps. Dr. Donaghy & Co., Cincinnati, O.

RUTHERFORD COUNTY.

IN THE SUPERIOR COURT.

[Continued from First Page.]

declares "that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness." The pursuit of happiness is the highest privilege of the citizen. The highest privilege of a man is the formation of character. But the most comprehensive privilege of the citizen is "the pursuit of happiness."

I know that these declarations have been called "glittering generalities," but they were not so esteemed when they were read amid the shouts of patriots along the continental line, and they must not so be considered now, since they are sacrificed by the blood of our brothers, as well as our fathers, and are made part of our fundamental law by constitutional enactment.

These privileges are further defined by Mr. Justice Washington, in *Corfield vs. Coryell*, (4 Washington's Circuit Court Reports, 380), where he says: "They may be comprehended under the following general heads: protection by the government, the enjoyment of life, liberty with the right to acquire and possess property of every kind, and to pursue and to obtain happiness and safety."

This amendment specifies life, liberty and property as among the privileges of the citizen of the United States, and provides "that no State shall deny to any person within its jurisdiction the equal protection of the laws." A State denies equal protection whenever it fails to give it. Denying includes inaction as well as action. A State denies protection as effectually by not executing as by not making laws. The amendment says a State is not to abridge the privileges and immunities by making or enforcing any laws, and it is denying protection by failing to make or by failing to enforce proper laws. Our complaint against England is not only that her laws of neutrality were insufficient, but that she failed to execute those she had. It is a poor comfort to a community that have been outraged by atrocities, for officials to tell them, "We have excellent laws on our statute books." It is the citizen's right to have laws for his protection, to have them executed, and it is the constitutional right and duty of the general government to see to it that the fundamental rights of citizens of the United States are protected.

How is the United States to protect the privileges of citizens of the United States? It can not deal with the States or with their officials to compel proper legislation and its enforcement; it can only deal with the offenders who violate the privileges and immunities of citizens of the United States.

But by doing this we are told the general government would interfere with the domestic affairs of a State. I feel as deeply as any one the importance of not interfering with the power and jurisdiction of our State governments. We have a vast domain which can be indefinitely extended if our State governments are not weakened. They properly administering the law, bring protection and justice to every man's door. The general government by extending its municipal jurisdiction over the affairs of the community, will not so well administer justice, and will weaken itself in the discharge of its proper functions.

The general government should not derogate from the power and authority of the States, but should act in their aid. The Constitution already declares that, when called upon, it is the duty of the President to aid and strengthen the States. But still the perplexing practical question returns, how in what manner, is the general government to protect the privileges of its citizens?

There are three classes of remedies that might be applied: civil remedies, criminal remedies, and public or national relief. As to the civil remedies, for a violation of these privileges, we know that when the courts of a State violate the provisions of the Constitution of the law of the United States there is now relief afforded by a review in the federal courts. And since the fourteenth amendment forbids any State from making or enforcing any law abridging these priv-

ileges or immunities, as you can not reach the legislatures, the injured party should have an original action in our federal courts, so that, by injunction or by the recovery of damages, he could have relief against the party who, under the color of such rights, is guilty of inflicting his rights. As to the civil remedy, no one, I think, can object.

As to the criminal remedies for violation of the privileges of the citizen of the United States, there is more difficulty. Our government, as we all know, is complex in its character. The general government has national power and jurisdiction, and it also acts municipally, enforcing its own laws. The States have only municipal jurisdiction. The general government and the States have concurrent jurisdiction in many municipal matters. Thus, it is an indictable crime against the United States to counterfeit its coin or bills, and the same offense is an indictable crime against the States. The crime against the United States is counterfeiting; that against the State is a cheat. The United States punishes the offender because he has violated the majesty of the United States laws, and the States laws, and the State punishes him because he has injured the commerce of society. (Fox vs. the State of Ohio, 5 Howard, 410.)

"Every citizen of the United States is also a citizen of a State or Territory. He may be said to owe allegiance to two sovereignties, and may be liable to punishment for an infraction of the laws of either. The same act may be an offense or transgression of the laws of both. Thus, an assault upon the Marshal of the United States and hindering him in the execution of legal process is a high offense against the United States, for which the perpetrator is liable to punishment; and the same act may be also a gross breach of the peace of the State, a riot, assault, or a murder, and subject the same person to a punishment under the State laws, for a misdemeanor or felony. That either or both may (if they see fit) punish such an offender cannot be doubted. Yet it cannot be truly averred that the offender has been twice punished for the same offense; but only that by one act he has committed two offenses, for each of which he is justly punishable."

That case of Capt. Howe is reported in Bennett's Military Law and Court-Martial, page 100. He was arrested in Florida, there indicted for manslaughter and acquitted. He was tried for a violation of the army regulations before a court-martial for the same offense convicted, and his conviction approved by the attorney-general.

These and other cases show that the same crime may violate a United States and a State law, and the question recurs, shall the United States enact laws making infringements of the privileges of a citizen of the United States crimes against the United States? This would establish a double criminal jurisdiction; and as nearly all offenses affect life, liberty or property, the privileges of a citizen of the United States, the criminal code of this United States would be very comprehensive. This, in my opinion, would be carrying the enforcement of the 14th amendment, if not further than is constitutional, further than is expedient. Some idea may yet be suggested that will, by criminal proceeding, give protection against the violation of United States citizenship without calling for a general criminal code. The 14th amendment must be made to harmonize and to strengthen the complex framework of our government and not be used to make the general government imperial. It must be read in the light of our judicial history, and be read together with the tenth amendment, which declares that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Thus reading the 14th amendment, if it be constitutional, I do not consider it now expedient for the general government to assume a general municipal jurisdiction over crimes in the States. There is a limited criminal jurisdiction to be exercised as ancillary to the public remedy, of which I shall speak presently, which is, in my opinion clearly constitutional and advisable. But while expressing this view, I would not be understood to hold that under no circumstances would it be proper to exercise such criminal jurisdiction. I hold it to be always constitutional to prevent the government and the administration of its laws from being destroyed or seriously impaired. *Salus populi est suprema lex* is a part of the constitution of every government.

Now, a word as to the public relief to which I have referred, to which the general government acts nationally in securing to the citizen of the United States protection in their privileges and immunities. I believe that is the

manner in which the 14th amendment should be enforced. When the President, in the exercise of his official judgment, is satisfied that, by reason of combi violence insurrections, the State fails to give protection to the citizens if the United States in his privileges and immunities, it should be the President's duty to suppress such domestic violence or combinations by the use of the military force or other means; and, in aid of and ancillary to this power given the President, and to avoid the necessity of trial under martial law, all engaged in such combination should be held guilty of felony against the United States and punished in the federal courts by fine and imprisonment.

I know that we are told that this is not the remedy they need at the South, but if you give the President of the United States authority to employ the military force and other means, such as police and constabulary force to suppress domestic violence, to see that the mails are not disturbed, to have the revenue collected, to see that the administration of justice in the federal courts is not interfered with, there will not be much disorder in that community.

The power thus given the President is such as the government possesses to protect its citizens all over the world. The federal government thus acts, nationally, in its supervision over the peace and order of the States. This would be giving the President the same power that the fourth article of the Constitution gives him, only it is to be exercised at his discretion instead of at the discretion and request of a Governor of a State, which is right, inasmuch as, since the fourteenth amendment, it is the privilege of a citizen of the United States that he proposes to protect. The enforcement act of 1870 places the military power of the United States at the command of the Marshal. Why should we hesitate to give it to the President?

The United States thus interfering only when the State will not or cannot protect the privileges and immunities of the citizens of the United States, it would be an absurdity to say when the rights of citizens are willfully violated by the authorities of a State, the federal government should delay to interfere until requested to do so by the State. The United States interferes only to guaranty rights and protection when the State fails, and acts in its national character, and not municipally. It does not interfere with the State government, except to strengthen and sustain it. The United States does not make or execute a criminal code. The framework of our government, reserving municipal government to the States and national jurisdiction to the General Government, is not disturbed. If any one thinks it is going too far to give the United States this national supervisory power to protect the fundamental rights of citizens of the United States, I do not agree with him. It is not wise to permit our devotion to the reserved rights of the States to be carried so far as to deprive the citizen of his privileges and immunities.

We must remember that it was State rights, perverted I admit from their true significance, that arrayed themselves against the nation, and threatened its existence. We must remember that it was for the very purpose of placing in the general Government a check upon this arrogance of some of the States that the 14th amendment was adopted by the people. We must remember that, if the legislation we propose does trench upon what have been, before the 14th amendment, considered the rights of the States, it is in behalf and for the protection of immunities and privileges clearly given by the Constitution; and that federal laws and federal rights must be protected whether domestic laws or their administration are interfered with or not, because the Constitution and the laws made in pursuance thereof are the supreme law of the land. We are not making a constitution, we are enacting a law, and its validity can be tested without peril by the experiment. Placing the discretion as to the enforcement of the law with the President, and not with the Governor of a State or with a marshal, I see no peril.

Mr. President, we had better attend to these disorders now. A check in a like or a like which a child's hand could cover, if neglected, may lead to a general insurrection. We once before thought that the genius of our country could sport with licentiousness and her purity not be tarnished. We once before thought that this nation possessed a charter of immortal security, while all the time we were floating down the rapids of lawless passion until we trembled equaled on the fearful catara. Let this Congress adjourn now, without applying the easy remedy which the Executive has asked, and one more severe and dangerous will be required. Let the

14th amendment be enforced equally and constitutionally. Among all the work as statesmen have as partisans; as Americans, and not as sectional men.

Mr. President, from the details of the atrocities to which we have listened, we can turn to a brighter picture. We now have a full Senate. I congratulate the nation and the party whose liberal policy has so soon effected this result. We see before us Senators from all parts of this vast, continuous domain, which is destined to be the seat of the grandest and freest empire of the world. Our people have one language, one religion, similar manners, and all delight in a free Government. Let us unite in our efforts that the law may reign supreme.

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Here, sniffing the ambient air, waited from nature's green sward clinging to the mountain side, bathing her brow in early morn's gentle dewdrop, she lived solitary and alone for many long years. The catamount's unearthly midnight yell, and the wolf's doleful howl, frequently aroused her from pleasant midnight slumbers.

Now and then she would emerge from her unknown home and mingle with the inhabitants around about for one or two months at a time. She was eccentric in her acts and all viewed her as a living curiosity.

While from home she apparently had but one object, and that was the relief of her afflicted sex. Under a belt on her side could be seen an old-fashioned dirk of considerable size, carried for her own protection, while strapped across her shoulder was suspended a curious sack made from the

Skins of Rabbits and Raccoons
Arranged in alternate strips. This bag contained some old parchment, curious relics, a few light garments, and a smaller sack, containing a coarse powder made from certain roots known only to herself, the secret of which she clung to as with the tenacity of death. She sailed forth from her wild mountain home, to act the Good Samaritan, with a this unknown vegetable power which she claimed possessed a wonderful power over all Diseases incident to the female sex. She termed it "womb physic," with which she professed to cure all affections and derangements of that organ, and kindred complaints free of charge. With such singular magic did she relieve all who applied, that within a few years her name and fame became known far and wide, and hundreds of suffering females applied for relief and returned to their homes healthy and happy. Many were anxious to know her great secret, and large sums of money were offered if she would divulge it—but she stubbornly refused.

During her solitary life, she became intimate with only one woman, a noted midwife some miles distant, to whom she promised to

Divulge the Secret

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